

CITY CHARTER*

*Editor's note: The City of Concord adopted a new City Charter, as herein set out, in accordance with the provisions of RSA 49-B at the State General Election on Nov. 3, 1992. The former City Charter was adopted at a Municipal Primary Election on Oct. 11, 1949, as amended. The Charter as posted includes amendments as approved at the November 6, 2001, Municipal Election as well as the November 8, 2011 Municipal Election and the January 10, 2012 Presidential Primary.

State law references: See Chapter 418, Laws 1949 for Initial Council-Manager Plan.

CITY OF CONCORD STATE OF NEW HAMPSHIRE

City Established

1. Incorporation.

The inhabitants of the City of Concord shall continue to be a body politic and corporate under the name of the "City of Concord," and as such to enjoy all the rights, immunities, powers, and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing debts and obligations shall remain obligatory upon it, under this revised Charter.

1-a. Ward Lines.

The City of Concord shall be divided into ten wards, which shall be bounded and described as follows:

Ward 1 shall include the territory bounded and described as follows: Commencing at the northwesterly corner of the City at the intersection of the Concord-Webster town line and the Concord-Hopkinton town line; thence southeasterly along the Concord-Hopkinton town line and crossing Warner Road to the centerline of the Contoocook River; thence easterly, southerly, easterly, then northeasterly along the centerline of the Contoocook River to the centerline of the Horse Hill Bridge; thence southeasterly along the centerline of Horse Hill Road to its intersection with River Road; thence northerly and easterly along the centerline of River Road to its intersection with Borough Road; thence easterly along the centerline of Borough Road to its intersection with Village Street, Fisherville Road, and Manor Road; thence southerly along the centerline of Fisherville Road to its intersection with Mayflower Drive; thence easterly and northerly along the centerline of Mayflower Drive to its second and most northerly intersection with Woodbine Avenue; thence easterly along the centerline of Woodbine Avenue to its intersection with Sorrel Drive; thence northeasterly along the centerline of Sorrel Drive to its intersection with Manor Road; thence easterly along the centerline of Manor Road to its intersection with Sewalls Falls Road; thence northeasterly along the centerline of Sewalls Falls Road and crossing the Merrimack River to its intersection with the former B & M Railroad line (now State of New Hampshire); thence northerly along the centerline of the B & M Railroad tracks to its intersection with the Concord-Canterbury town line; thence westerly along the Concord-Canterbury town line to its intersection with the Merrimack River; thence northerly along the centerline of the Merrimack River and the Concord-Canterbury town line to the southeast corner of Boscawen at the Concord-Boscawen town line; thence continuing westerly along the Concord-Boscawen town line and the Concord-Webster town line to its intersection

with the Concord-Hopkinton town line at the northwesterly corner of the City which is the point of beginning.

Ward 2 shall include the territory bounded and described as follows: Commencing at the intersection of the centerline of Borough Road with the centerline of River Road; thence easterly along the centerline of Borough Road to its intersection with Village Street, Fisherville Road, and Manor Road; thence southerly along the centerline of Fisherville Road to its intersection with Mayflower Drive; thence easterly and northerly along the centerline of Mayflower Drive to its second and most northerly intersection with Woodbine Avenue; thence easterly along the centerline of Woodbine Avenue to its intersection with Sorrel Drive; thence northeasterly along the centerline of Sorrel Drive to its intersection with Manor Road; thence easterly along the centerline of Manor Road to its intersection with Abbott Road; thence southerly along the centerline of Abbott Road to its intersection with Beaver Meadow Brook; thence westerly, southerly, and westerly along the centerline of Beaver Meadow Brook to its intersection with Fisherville Road; thence southerly along the centerline of Fisherville Road to its intersection with North State Street and Sewalls Falls Road; thence southerly along the centerline of North State Street to its intersection with Knight Street; thence westerly along the centerline of Knight Street to its intersection with Hutchins Street; thence westerly along the centerline of Hutchins Street to its intersection with West Parish Road; thence northerly and westerly along the centerline of West Parish Road to its intersection with Carter Hill Road; thence northerly along the centerline of Carter Hill Road to its intersection with River Road; thence northerly and easterly along the centerline of River Road to its intersection with Borough Road and the point of beginning.

Ward 3 shall include the territory bounded and described as follows: Commencing in the centerline of the Contoocook River where it intersects with the Concord-Hopkinton town line; thence southeasterly along the Concord-Hopkinton town line and crossing West Parish Road to its intersection with an extension of the centerline of District No. 5 Road; thence easterly along the centerline of the extension of District No. 5 Road and the centerline of District No. 5 Road to its intersection with Lake View Drive; thence southerly along the centerline of Lake View Drive to its intersection with Little Pond Road; thence southeasterly along the centerline of Little Pond Road to its intersection with Penacook Street; thence southeasterly, northeasterly, then easterly along the centerline of Penacook Street to its intersection with North State Street and Horseshoe Pond Lane; thence easterly along the centerline of Horseshoe Pond Lane to its intersection with the B & M Railroad Line; thence northwesterly along the centerline of the B & M Railroad line to its intersection with Horseshoe Pond; thence northwesterly, northerly, then northeasterly along the centerline of Horseshoe Pond to Wattanummon's Brook; thence easterly along the centerline of Wattanummon's Brook to its intersection with Commercial Street; thence northerly along the centerline of Commercial Street and a projection thereof to the centerline of the Merrimack River; thence westerly and northerly along the centerline of the Merrimack River to its intersection with the centerline of the Sewalls Falls Bridge; thence southwesterly along the centerline of Sewalls Falls Road to its intersection with Manor Road; thence westerly along the centerline of Manor Road to its intersection with Abbott Road; thence southerly along the centerline of Abbott Road to its intersection with Beaver Meadow Brook; thence westerly, southerly, and westerly along the centerline of Beaver Meadow Brook to its intersection with Fisherville Road; thence southerly along the centerline of Fisherville Road to its intersection with North State Street and Sewalls Falls Road; thence southerly along the centerline of North State Street to its intersection with Knight Street; thence westerly along the centerline of Knight

Street to its intersection with Hutchins Street; thence westerly along the centerline of Hutchins Street to its intersection with West Parish Road; thence northerly and westerly along the centerline of West Parish Road to its intersection with Carter Hill Road; thence northerly along the centerline of Carter Hill Road to its intersection with River Road and Horse Hill Road; thence northwesterly along the centerline of Horse Hill Road to the centerline of the Horse Hill Bridge; thence southwesterly, westerly, northerly, then westerly along the centerline of the Contoocook River to its intersection with the Concord-Hopkinton town line and the point of beginning.

Ward 4 shall include the territory bounded and described as follows: Commencing at the intersection of the centerline of Auburn Street and the centerline of Liberty Street; thence northerly and easterly along the centerline of Liberty Street to its intersection with Walker Street Ext.; thence easterly along the centerline of Walker Street Ext. to its intersection with Rumford Street; thence northerly along the centerline of Rumford Street to its intersection with Penacook Street; thence easterly along the centerline of Penacook Street to its intersection with North State Street and Horseshoe Pond Lane; thence easterly along the centerline of Horseshoe Pond Lane to its intersection with the B & M Railroad Line; thence northwesterly along the centerline of the B & M Railroad line to its intersection with Horseshoe Pond; thence northwesterly, northerly, then northeasterly along the centerline of Horseshoe Pond to Wattanummon's Brook; thence easterly along the centerline of Wattanummon's Brook to its intersection with Commercial Street; thence northerly along the centerline of Commercial Street and a projection thereof to the centerline of the Merrimack River; thence southeasterly, southerly, then southwesterly along the centerline of the Merrimack River to its intersection with Loudon Road; thence westerly along the centerline of Loudon Road to its intersection with Storrs Street; thence southerly along the centerline of Storrs Street to its intersection with Dubois Avenue; thence westerly along the centerline of Dubois Avenue and its extension to North Main Street; thence northerly along the centerline of North Main Street to its intersection with School Street; thence westerly along the centerline of School Street to its intersection with Rumford Street; thence northerly along the centerline of Rumford Street to its intersection with Centre Street; thence westerly along the centerline of Centre Street to its intersection with Liberty Street; thence northerly along the centerline of Liberty Street to its intersection with Auburn Street and the point of beginning.

Ward 5 shall include the territory bounded and described as follows: Commencing at the intersection of the centerline of District No. 5 Road and the centerline of Lake View Drive; thence southerly along the centerline of Lake View Drive to its intersection with Little Pond Road; thence southeasterly along the centerline of Little Pond Road to its intersection with Penacook Street; thence southeasterly, northeasterly, then easterly along the centerline of Penacook Street to its intersection with Rumford Street; thence southerly along the centerline of Rumford Street to its intersection with Walker Street Ext.; thence westerly along the centerline of Walker Street Ext. to its intersection with Liberty Street; thence westerly and southerly along the centerline of Liberty Street to its intersection with Centre Street; thence easterly along the centerline of Centre Street to its intersection with Rumford Street; thence southerly along the centerline of Rumford Street to its intersection with School Street; thence easterly along the centerline of School Street to its intersection with North Spring Street; thence southerly along the centerline of North Spring Street to its intersection with Pleasant Street; thence westerly along the centerline of Pleasant Street to its intersection with South Fruit Street; thence southerly along the centerline of South Fruit Street to its intersection with Redington Road; thence westerly and northerly along the centerline of Redington Road and its extension to its intersection with

Pleasant Street; thence westerly along the centerline of Pleasant Street to its intersection with Langley Parkway; thence southerly along the centerline of Langley Parkway to its intersection with Clinton Street; thence westerly along the centerline of Clinton Street to its intersection with Birchdale Road; thence southeasterly along the centerline of Birchdale Road to its intersection with the Concord-Bow town line; thence westerly along the Concord-Bow town line crossing Hooksett Turnpike to the southwest corner of the City at the Concord-Bow town line; thence northerly along the Concord-Bow town line crossing Bela Brook, Clinton Street (NH Route 13), and Hooksett Turnpike to the southeast corner of Hopkinton and Concord-Hopkinton town line; thence northerly along the Concord-Hopkinton town line to its intersection with the extension of the centerline of District No. 5 Road; thence easterly along the centerline of the extension of District No. 5 Road and the centerline of District No. 5 Road to its intersection with Lake View Drive and the point of beginning.

Ward 6 shall include the territory bounded and described as follows: Commencing at the intersection of the centerline of Interstate 93 and the centerline of Loudon Road; thence westerly along the centerline of Loudon Road to its intersection with Storrs Street; thence southerly along the centerline of Storrs Street to its intersection with Dubois Avenue; thence westerly along the centerline of Dubois Avenue and its extension to North Main Street; thence northerly along the centerline of North Main Street to its intersection with School Street; thence westerly along the centerline of School Street to its intersection with North Spring Street; thence southerly along the centerline of North Spring Street to its intersection with Pleasant Street; thence westerly along the centerline of Pleasant Street to its intersection with South Fruit Street; thence southerly along the centerline of South Fruit Street to its intersection with Redington Road; thence westerly and northerly along the centerline of Redington Road and its extension to its intersection with Pleasant Street; thence westerly along the centerline of Pleasant Street to its intersection with Langley Parkway; thence southerly along the centerline of Langley Parkway to its intersection with Clinton Street; thence easterly along the centerline of Clinton Street to its intersection with Broadway; thence southerly along the centerline of Broadway to its intersection with West Street; thence easterly along the centerline of West Street to its intersection with South State Street; thence southerly along the centerline of South State Street to its intersection with South Main Street; thence southerly along the centerline of South Main Street and crossing Interstate 93 to its intersection with the Concord-Bow town line; thence easterly along the Concord-Bow town line to its intersection with the Merrimack River; thence southeasterly and northerly along the centerline of the Merrimack River to its intersection with Loudon Road; thence westerly along the centerline of Loudon Road to its intersection with Interstate 93 and the point of beginning.

Ward 7 shall include the territory bounded and described as follows: Commencing at the intersection of the centerline of South Main Street and the centerline of Allison Street; thence northerly along the centerline of South Main Street to its intersection with South State Street; thence northerly along the centerline of South State Street to its intersection with West Street; thence westerly along the centerline of West Street to its intersection with Broadway; thence northerly along the centerline of Broadway to its intersection with Clinton Street; thence westerly along the centerline of Clinton Street to its intersection with Birchdale Road; thence southeasterly along the centerline of Birchdale Road to its intersection with the Concord-Bow town line; thence easterly along the Concord-Bow town line and crossing South Street and Interstate 93 to its intersection with South Main Street; thence northerly along the centerline of

South Main Street and crossing Interstate 93 to its intersection with Allison Street and the point of beginning.

Ward 8 shall include the territory bounded and described as follows: Commencing at the intersection of the centerline of Loudon Road and the centerline of the Merrimack River; thence easterly and northerly along the centerline of the Merrimack River to its intersection with Interstate 393; thence easterly along the centerline of Interstate 393 to its intersection with East Side Drive; thence southerly along the centerline of East Side Drive to its intersection with Hazen Drive; thence southwesterly and southerly along the centerline of Hazen Drive to its intersection with the northerly projection of the centerline of Ormond Street; thence southerly along the northerly projection of the centerline of Ormond Street and continuing southerly along the centerline of Ormond Street to its intersection with Loudon Road; thence easterly along the centerline of Loudon Road to its intersection with the Soucook River; thence southerly, westerly, then southerly along the centerline of the Soucook River to its intersection with the Merrimack River; thence northwesterly, northerly, southeasterly, then northerly along the centerline of the Merrimack River to its intersection with Loudon Road and the point of beginning.

Ward 9 shall include the territory bounded and described as follows: Commencing at the intersection of the centerline of East Side Drive with the centerline of Interstate 393; thence southerly along the centerline of East Side Drive to its intersection with Hazen Drive; thence southwesterly and southerly along the centerline of Hazen Drive to its intersection with the northerly projection of the centerline of Ormond Street; thence southerly along the northerly projection of the centerline of Ormond Street and continuing southerly along the centerline of Ormond Street to its intersection with Loudon Road; thence easterly along the centerline of Loudon Road to its intersection with Sheep Davis Road (N.H. Route 106); thence northeasterly along the centerline of Sheep Davis Road (N.H. Route 106) to its intersection with Interstate 393; thence westerly along the centerline of Interstate 393 to the bridge over Portsmouth Street; thence northwesterly along the centerline of Portsmouth Street to its intersection with the westerly edge of the Public Service Company of NH (PSNH) transmission line right-of-way; thence northerly along the PSNH transmission line right-of-way to its intersection with the easterly projection of Profile Avenue; thence southwesterly along the projection of Profile Avenue and continuing northwesterly along the centerline of Profile Avenue to its intersection with Hampshire Drive; thence southwesterly along the centerline of Hampshire Drive to its intersection with Portsmouth Street; thence easterly along the centerline of Portsmouth Street to its intersection with Broken Ground Drive; thence southwesterly along the centerline of Broken Ground Drive to its intersection with East Side Drive; thence southerly along the centerline of East Side Drive to its intersection with Interstate 393 and the point of beginning.

Ward 10 shall include the territory bounded and described as follows: Commencing at the intersection of the centerline of East Side Drive with the centerline of Interstate 393; thence westerly along the centerline of Interstate 393 to its intersection with the Merrimack River; thence northerly, northwesterly, then northerly along the centerline of the Merrimack River to its intersection with the centerline of the Sewalls Falls Bridge; thence northeasterly along the centerline of Sewalls Falls Road to its intersection with the former Boston and Maine Railroad (now State of New Hampshire); thence northerly along the centerline of the B & M Railroad tracks to its intersection with the Concord-Canterbury town line; thence easterly along the Concord-Canterbury town line and crossing Interstate 93, Mountain Road, and Tallant Road to the northeast corner of the City at the Concord-Canterbury town line; thence southerly along the Concord-Canterbury town line to the northwest corner of Loudon at the Concord-Loudon town

line; thence southerly along the Concord-Loudon town line and crossing Shaker Road, Hoit Road, and Hot Hole Pond Road to a point where the Concord-Loudon town line deflects to the left; thence southeasterly along the Concord-Loudon town line and crossing Oak Hill Road, Josiah Bartlett Road, and Sheep Davis Road (N.H. Route 106) to its intersection with the Soucook River; thence southwesterly along the centerline of the Soucook River to its intersection with Loudon Road (NH Route 9); thence westerly along the centerline of Loudon Road to its intersection with Sheep Davis Road (N.H. Route 106); thence northeasterly along the centerline of Sheep Davis Road (N.H. Route 106) to its intersection with Interstate 393; thence westerly along the centerline of Interstate 393 to the bridge over Portsmouth Street; thence northwesterly along the centerline of Portsmouth Street to its intersection with the westerly edge of the Public Service Company of NH (PSNH) transmission line right-of-way; thence northerly along the PSNH transmission line right-of-way to its intersection with the easterly projection of Profile Avenue; thence southwesterly along the projection of Profile Avenue and continuing northwesterly along the centerline of Profile Avenue to its intersection with Hampshire Drive; thence southwesterly along the centerline of Hampshire Drive to its intersection with Portsmouth Street; thence easterly along the centerline of Portsmouth Street to its intersection with Broken Ground Drive; thence southwesterly along the centerline of Broken Ground Drive to its intersection with East Side Drive; thence southerly along the centerline of East Side Drive to its intersection with Interstate 393 and the point of beginning.

2. Wards.

The City shall be divided into ten (10) wards, and except as herein otherwise provided the general laws relative to wards of cities, officers thereof, and voters, checklists, elections, and jurors therein shall be applicable to such wards; but the office of selectmen is hereby abolished in the City and all the duties pertaining to the office of selectmen of wards shall be performed in each ward thereof by the Supervisors of the Checklist, who for all purposes requiring such officers, shall be deemed selectmen of the ward.

2-a. Central Registration.

The Supervisors of the checklist in the City of Concord shall hold all sessions for the correction of the checklist of their respective wards at their respective voting places, as provided by Ordinance.

2-b. Registration by City Clerk.

In addition to the powers conferred upon the Supervisors of the Checklists, the City Clerk shall have powers to examine persons desiring to register as voters in the City of Concord as provided by state law.

Elections

3. Conduct of Elections.

Municipal elections hereunder shall be deemed elections within the meaning of all general statutes, penal and otherwise, and said statutes shall apply to municipal elections so far as is consistent with this Charter. The election officers in each ward whose duty it is to conduct regular biennial elections shall conduct a municipal election at the expense of the City in the same manner as a regular biennial election, on the Tuesday following the first Monday in November of the odd numbered years. Polling hours shall be set by the City Council by Ordinance.

4. Qualification of Voters.

Persons who would be qualified to vote in accordance with state law in a biennial election if held on the day of such municipal election shall be qualified voters therein.

5. Absentee Voting.

Any qualified voter of the City of Concord who is absent from the City on the day of any regular or special municipal election, or who, by reason of physical disability, is unable to vote in person at said election, may vote at said election by so-called absentee ballot. The provisions of state law, so far as applicable hereto and not inconsistent herewith, shall apply to such absentee voting in the City, provided that the City Clerk shall prepare the forms and ballots for such voting and said clerk shall also prepare the required instructions.

6. Preparation of Ballots. The City Clerk shall prepare the ballots to be used at the municipal elections. The ballot shall contain the names, in random order selected by the City Clerk without party designation, of all who file with the City Clerk as candidates for the office of Mayor, Ward City Councilor or City Councilor-at-large not later than five o'clock in the afternoon of the fiftieth day before the election. Each candidate shall pay the City Clerk a fee of five dollars (\$5.00) except one on whose behalf a petition shall have been filed by at least fifty (50) qualified voters. No name shall be printed on the ballot by reason of such a petition unless consent thereto shall be endorsed on the petition by the candidate not later than five o'clock in the afternoon of the forty-fifth day before the election. Below the list of names of the candidates there shall be as many blank spaces as there are offices to be filled. The City Clerk shall have the same powers and duties with reference to municipal elections as the Secretary of State possesses with reference to general biennial elections, so far as such powers and duties are not inconsistent herewith.

7. Contested Elections.

Within seven (7) days after a municipal election the City Council shall canvass the votes cast and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven (7) days thereafter the City Council shall, subject to such rules and regulations as it may prescribe, upon request of any candidate, recount the ballots cast in the election and hear and determine any contest on the ground of fraud or misconduct therein. Decisions of the City Council in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner that the City Council may determine. In cases arising under this section the City Council shall have the power to subpoena witnesses and compel the production of all pertinent books, records, and papers.

8. Recount.

Any candidate for whom a vote was cast at a municipal election may apply for a recount. The application shall be made in writing to the City Clerk and shall be submitted before the expiration of five (5) days after the election. Any candidate requesting a recount shall pay the City Clerk a fee of twenty-five dollars (\$25.00). If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than five (5) percent of the total votes cast for that office, the applying candidate shall in addition agree in writing with the City Clerk to pay the full expense of the recount. In such case, the applying candidate shall deposit with the City Clerk an amount of money reasonably estimated by the City Clerk to cover such expenses. In the event the applying candidate is determined to be the winner following the recount, such fee and any deposit shall be returned.

9. Referendum Questions.

If twenty-five (25) qualified voters of the City shall, before the expiration of fifteen (15) days from the date of a municipal election, apply in writing to the City Clerk for a recount of the ballots cast at said election on a question affecting the City only, the City Clerk shall appoint a time for the recount not earlier than seven (7) days nor later than ten (10) days after the receipt of

said application. The applicants for such recount shall pay to the City Clerk a fee of twenty-five dollars (\$25.00). At the time appointed, the City Council shall meet in convention and shall recount the ballots under such rules or procedures as it shall determine.

10. Reporting of Campaign Contributions and Expenditures.

The City Council shall by Ordinance regulate the reporting of contributions to, and expenditures by, a candidate or political committee made for the purpose of influencing the election of any candidate for the office of Mayor, Councilor-at-large or Ward Councilor, or any person or committee for the purpose of influencing the passage of any ballot or referendum question.

The Governing Body

11. Term and Number of Members.

Except as otherwise provided in this Charter, all the powers of the City shall be vested in a City Council of fifteen (15) members consisting of a Mayor, four (4) Councilors-at-large elected by the qualified voters of the City at-large, and ten (10) Ward Councilors elected from each ward by the qualified voters thereof. Councilors-at-large shall be elected to terms of four (4) years. Ward Councilors shall be elected to terms of two (2) years. Newly elected members of the City Council shall assume office on the first day of January in each even numbered year. The City Clerk shall act as Clerk of the City Council.

12. Transition.

The members of the City Council in office on the effective date of this section shall continue in office until the expiration of the terms to which they were elected.

At the municipal election in November 1993 there shall be elected ten (10) Ward Councilors, one Councilor-at-large and the Mayor. At the municipal election in November 1995, in addition to ten (10) Ward Councilors and the Mayor, there shall be elected one Councilor-at-large to a term of two (2) years and two (2) Councilors-at-large to terms of four (4) years.

13. Mayor.

The Mayor shall be elected by the qualified voters of the City at-large, for a term of two (2) years. If no candidate for Mayor receives a majority of votes cast and counted for that office at the regular municipal election, the result shall be determined between the two (2) candidates receiving the highest number of votes, by a special run-off election to be held on the second Saturday following the regular election. The City Council shall choose one of its members Mayor Pro Tem, who shall act in the absence, disability or vacancy in the office of the Mayor. The Mayor shall be the official head of the City for all ceremonial purposes, shall preside at all meetings of the City Council and may speak and vote in such meetings. All other duties of the Mayor prescribed by law shall be exercised by the City Manager provided for in this Charter.

14. Qualifications.

No person shall be a candidate for election as Mayor or Councilor who is not a duly qualified voter in the City. Whenever the Mayor or a Councilor-at-large moves from the City, or from the ward in the case of a Ward Councilor, and establishes a domicile in some other place, the office of such person shall be declared vacant and said vacancy shall be filled as provided in Section 13 or 16 as applicable. Neither the Mayor nor Councilors while serving as such, shall be eligible to hold any other municipal office except that Councilors may serve as Mayor Pro Tem.

15. Removal.

On specific charges the City Council may suspend for a period not to exceed forty-five (45) days, and after due notice and hearing at any time remove, any of its members for cause, including, but not limited to prolonged absence from or other inattention to duties, crime or

misconduct in office, or as specified in the Charter. Any vacancy occasioned by removal under this section shall be filled in the manner provided in Section 13 or 16 as applicable.

16. Vacancies.

In case a vacancy occurs in the City Council from any cause, the provisions of this section shall govern the filling thereof.

(a) Ward Councilor Vacancy. If the office of Ward Councilor becomes vacant at or before the regular August meeting of the City Council in the year of a municipal election, the vacancy shall be filled by special election in accordance with Paragraph (c) of this Section. However, if such a vacancy occurs after such meeting, the vacancy shall not be filled by special election but the person elected to represent the same ward for the regular term at the next municipal election shall also be deemed to have been elected to fill the said vacancy and for that purpose shall take office at the next regular meeting of the City Council following the municipal election.

(b) Councilor-At-Large Vacancy. If the office of Councilor-at-large becomes vacant prior to the close of the filing period for the municipal election next following the beginning of the term of office in which the vacancy occurs, the City Council shall order the same to be filled at such election, in which event there shall be separate filing of candidacy for election to the unexpired term and the City Clerk shall include on the ballot an additional place for election to the unexpired term. In case the vacancy occurs within ten (10) days before the end of the regular filing period, the filing period for election to the unexpired term shall be extended five (5) days. In the alternative, the City Council may order the vacancy to be filled by prior special election if time permits, in accordance with Paragraph (c) of this Section. If a vacancy in the office of City Council-at-large occurs after the close of the filing period for the municipal election next following the beginning of the term of office in which the vacancy occurs, the City Council may, but is not required to, order the vacancy to be filled by special election, in accordance with Paragraph (c) of this Section.

(c) Special Election. The City Council shall prescribe the date for special elections ordered under this section. The City Council may order a special election to be held at the same time as a primary or general election. The City Council shall provide for a special ten-day period for the filing of candidacy, which period shall expire not less than twelve (12) days before the date of the special election. The City Clerk shall prepare and provide to the appropriate election officials a sufficient number of ballots to conduct the special election.

17. Compensation.

Councilors shall receive, in full payment for their services, an annual salary which shall be established by Ordinance biennially prior to September first in the odd numbered years, to take effect January first in the even numbered years. The Mayor shall receive double the compensation established for a Councilor.

18. Meetings.

All meetings of the City Council shall be public in accordance with RSA 91-A, Right to Know Law. Regular meetings shall be held on the second Monday of each month unless they fall on a state or federal holiday, then said meetings shall be held on the first Tuesday following the second Monday of the month. Special meetings shall be held upon notice being delivered by the City Clerk to each member of the City Council, or left at each member's last and usual abode, or delivered in accordance with each member's written instructions on file in the office of the City Clerk. A special meeting may be called at the request of the City Manager or at least eight (8) members. The City Council shall establish its own rules and a majority shall constitute a quorum for the transaction of business.

19. Ordinances.

Municipal legislation shall be by Ordinance. Each Ordinance shall be identified by a number and a short title. The enacting clause of each Ordinance shall be "The City of Concord Ordains" and the effective date of each Ordinance shall be specified in it. All Ordinances shall be recorded in full uniformly and permanently by the City Clerk and each Ordinance shall be authenticated by the signature of the Mayor and the City Clerk. Ordinances shall be published, compiled and revised in such manner and at such times as the City Council shall determine.

20. General Powers. Except as herein otherwise provided, the City Council hereby established shall have all the powers and discharge all the duties conferred or imposed by state law upon City Councils in convention, City Councils voting concurrently or Boards of Mayor and Aldermen acting separately, or upon the City Councils or Board of Mayor and Aldermen of the City of Concord by special laws not hereby repealed. The City Council shall have the powers of selectmen of towns so far as consistent with this Charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the City Council hereby established unless a contrary intent or provision herein appears, it being the purpose of this section to confer upon said City Council functions of either or both branches of City Councils, except such as are specifically transferred to the City Manager. All committees of the City Council and all subordinate boards shall be deemed advisory only, except as otherwise provided in this Charter or state law.

Administrative Service

21. Manager.

The chief administrative officer of the City shall be called the City Manager. The City Council shall appoint a qualified person as City Manager for an indefinite term, shall evaluate the City Manager's performance in office and establish the City Manager's compensation in accordance with the following procedure:

- (a) Appointment of a City Manager and initial establishment of a City Manager's compensation requires the affirmative vote of at least eight (8) members of the City Council.
- (b) During the month of April following the first anniversary of a City Manager's service, and in each subsequent April during a City Manager's service, the City Council shall conduct an evaluation of the City Manager's performance in office. After such evaluation the City Council shall determine, in public session, whether the City Manager's overall performance in office has been satisfactory or unsatisfactory. The City Council shall also establish the City Manager's compensation for the ensuing year.

22. Manager--Vacancy.

In case of a vacancy in the office of City Manager, the City Council may appoint an interim City Manager to serve at the pleasure of the City Council for not more than one hundred eighty (180) days.

23. Qualifications.

The City Manager shall be chosen solely on the basis of executive and administrative qualifications, but need not be a resident of the City or the State at the time of appointment.

24. Removal.

The City Manager may be removed by a majority vote of the members of the City Council as herein provided. At least thirty (30) days before the proposed removal of the City Manager, the City Council shall adopt a resolution stating its intention to remove the City Manager and the reasons therefor, a copy of which shall be served forthwith on the City Manager. The City Manager may, within ten (10) days, demand a public hearing in which event the City Manager

shall not be removed until such public hearing has been held. Upon or after passage of such a resolution, the City Council may suspend the City Manager from duty, but the City Manager's pay shall continue until removal. In case of such a suspension, the City Council may appoint an acting City Manager to serve at the pleasure of the City Council for not more than ninety (90) days. The action of the City Council in removing the City Manager shall be final.

25. General Powers and Duties of Manager. The City Manager shall supervise the administrative affairs of the City and shall carry out the policies enacted by the City Council. The City Manager shall be charged with the preservation of the public peace and health and safety of persons and property, and shall see to the enforcement of the Ordinances of the City, this Charter, and general state laws which apply to the City. The City Manager shall keep the City Council informed of the conditions and needs of the City, shall make such reports and recommendations as the City Manager may deem advisable, and perform such other duties as may be prescribed by this Charter, or required by Ordinance or Resolution of the City Council not inconsistent with this Charter. The City Manager shall have and perform such other powers and duties not inconsistent with the provisions of this Charter as now are or hereafter may be conferred or imposed by Ordinance or upon mayors of cities by state law. The City Manager shall have the right to take part in the discussion of all matters coming before the City Council, but not the right to vote.

26. Appointive Powers of Manager.

The City Manager shall have the power to appoint and remove, subject to the provisions of this Charter and the Administrative Code, all officers and employees in the administrative service of the City; but the City Manager may authorize the head of a department or officer responsible to the City Manager to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless for provisional, temporary, or emergency service not to exceed the maximum periods which may be prescribed by the Merit System in the Administrative Code.

27. Noninterference by the City Council.

The City Council shall act in all matters as a body. Members of the Council shall not seek individually to influence the official acts of the City Manager, or any other officer; or to direct or request, except in writing, the appointment of any person to, or removal from, office; or to interfere in any way with the performance by such officers of their duties; but they may make suggestions and recommendations. Any member of the Council violating the provisions of this section, as determined through procedures established in this Charter, shall forfeit the office.

28. Enforcement. Any qualified voter of the City who alleges that a member of the City Council has violated Section 27 may complain thereof to the City Clerk, in a signed and sworn written statement specifying in detail the violation or violations alleged. The City Clerk shall provide a copy of the complaint to the member of the Council accused therein, to other members of the City Council and to the City Manager. Within ten (10) days after receiving the complaint, the accused member shall respond thereto, in a signed and sworn written statement delivered to the City Clerk. The City Clerk shall provide a copy of the response to the complainant, to other members of the City Council and to the City Manager. Within thirty (30) days after the date of the response or the last day for a timely response, whichever is earlier, the City Council shall hold a special meeting to determine whether violation of Section 27 has been established by clear and convincing evidence. If the City Council so determines by a vote of at least eight (8) members, the office of the accused member shall be declared vacant and the vacancy shall be

filled in accordance with Section 13 or 16, as applicable. The decision of the City Council shall be final.

29. Appointive Officers.

There shall be appointed by the City Manager three (3) Assessors; a City Clerk; Treasurer; Tax Collector; Police Chief; Fire Chief; Welfare Director; City Solicitor whose appointment shall be subject to confirmation by vote of the City Council; and such other officers as are necessary to administer all departments which the City Council shall establish. Assessors shall, prior to appointment, have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. The powers and duties of these officers and heads of departments so appointed shall be those prescribed by state law, by this Charter or by Ordinance. Notwithstanding RSA 669:7 or any other provision of law, the City of Concord may combine the positions of Tax Collector and Treasurer. (Ref 11-6-01)

30. Administrative Departments. The Administrative Service of the City shall be organized into departments, divisions and bureaus as established by this Charter or by Ordinance. The compilation of such Charter provisions and Ordinances shall be known as the Administrative Code. The Administrative Code shall include provisions for a Merit System of personnel administration, which shall provide for appointments and promotions to be made solely on the basis of merit and only after appropriate examination or review of the applicants' relative knowledge, skills, abilities and experience, and shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations and any other matters necessary to the maintenance of efficient service and improvement of working conditions. Upon recommendation of the City Manager, the City Council may take action to amend the Administrative Code and may accept, reject or revise the recommendation. The chief officer of each department shall have supervision and control of such department and the employees thereof, and shall have power to prescribe rules and regulations for the conduct of such department not inconsistent with general law, this Charter, the Administrative Code and the Merit System of personnel administration.

31. Purchasing Procedure.

The Administrative Code shall establish purchasing and contract procedure including the assignment of all responsibility for purchases to a single person, the combination of purchasing of similar articles by different departments, and purchasing by competitive bids wherever practical.

Finance

32. Fiscal Year.

The fiscal and budget year of the City shall begin on the first day of January unless another date shall be fixed by Ordinance.

33. Financial Control.

The City Manager shall appoint a Finance Director, who shall be other than the Treasurer, and who shall be chosen solely on the basis of executive and administrative qualifications and actual experience in and knowledge of accepted practices in respect to the duties of municipal fiscal management, and who shall maintain accounting control over the finances of the City, make financial reports, and perform such other duties as may be required by the Administrative Code or state law. The Finance Director shall audit and approve all authorized claims against the City before paying the same.

34. Budget Procedure.

At such time as may be requested by the City Manager or specified by the Administrative Code, the chief officer of each department shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under the officer's control. The City Manager shall submit the proposed budget to the City Council at least forty-five (45) days before the start of the fiscal year of the budget. The City Council shall refer the proposed budget to the Finance Committee of the City Council for preliminary consideration. The Finance Committee is a committee of the whole City Council, presided over by the Mayor. In odd numbered years, the Finance Committee shall consist of the newly elected Mayor and City Councilors from and after the time they take the oath of office, together with Councilors whose terms in office include the ensuing fiscal year.

35. Budget Hearing.

A public hearing on the budget shall be held before its final adoption by the City Council, and notice of such public hearing together with a summary of the budget as submitted shall be published at least one week in advance by the City Clerk.

36. Date of Final Adoption.

The budget shall be finally adopted not later than the twenty-seventh day of the first month of the fiscal year. Should the City Council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the City Council.

37. Appropriations After Budget is Adopted.

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds majority of the City Council after a public hearing held to discuss said appropriation. The City Council shall by resolution designate the source of any money so appropriated.

38. Budget Control.

At the beginning of each quarterly period during the fiscal year and more often if required by the City Council, the City Manager shall submit to the City Council data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the City Council or City Manager with approval of the City Council, may reduce the appropriation for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income. The City Manager may provide for monthly or quarterly allotments of appropriations to departments, funds, or agencies under such rules as the City Manager shall prescribe.

39. Transfer of Appropriations.

After the budget has been adopted, no money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specific additional appropriation therefor. The head of any department, with the approval of the City Manager, may transfer any unencumbered balance or any portion thereof from one fund or agency within the department to another fund or agency within the department. Such transfers shall be reported to the City Council as the Council may require. The City Manager, with the approval of the City Council, may transfer any unencumbered appropriation balance or any portion thereof from one department to another.

40. Depository.

The City Council shall designate the depository or depositories for City funds, and shall provide for the daily deposit of all City monies. The City Council may provide for such security for City deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

41. Independent Audit.

An annual independent audit shall be made of all accounts of the City government. Such audit shall be made by certified public accountants experienced in municipal accounting. Copies or abstracts of such audits shall be made public along with an annual report of the City's business. Audit services shall be obtained through periodic competitive bidding, as specified by Ordinance. Nothing in this paragraph shall prevent the City Council from requiring such other audits as it deems necessary.

42. Official Bonds.

Any City officer or employee (other than City Councilors) may be required by the City Manager to give a bond to be approved by the City Solicitor for the faithful performance of the duties of the office, but all officers receiving or disbursing City funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the City. Such bonds shall be filed with the Finance Director.

43. Borrowing Procedure.

Subject to the applicable provisions of state law and the Administrative Code, the City Council by Resolution may authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created thereby. Borrowing for a term exceeding one year shall be authorized by the City Council only after a duly advertised public hearing.

44. Compensation.

The compensation of all officers and employees not specifically provided for by the Charter shall be fixed in the Merit System by a schedule of pay which shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position. In increasing or decreasing items in the City budget, the City Council shall not increase or decrease any individual salary item but shall act solely with respect to total salaries in the various departments of the City.

45. Personnel Appeals Board.

There is hereby established a Personnel Appeals Board. The Board shall consist of three (3) citizens holding no other municipal office. One member shall be appointed by the City Manager, one by the City Council, and the third by these two (2) appointees. The terms of all members shall be for three (3) years beginning as of the date of appointment. The Board shall hear the appeal of any employee alleging a violation of the Merit System provided for in Section 30. Performance evaluations are not appealable to the Board but adverse personnel actions arising directly out of performance evaluations are appealable. The Board shall hear, decide the appeal, and issue a report to the City Manager containing its decision and findings. The decision shall be binding on all parties. However, the Board shall have no authority to award an employee monetary relief beyond the actual financial loss to the employee resulting from lost pay and related benefits.

46. Certification of Compensation.

No compensation shall be paid without certification by the City Manager, or such officer as the City Manager may direct, that the recipients are employed by the City and that their rates of compensation comply with the pay schedule provided for in Section 44. If such officer approves payments not in conformity therewith, the officer and the officer's surety shall be liable for the amount of such payments. A taxpayer may maintain a civil action to restrain payment of

compensation to persons unlawfully appointed or employed or to recover for the City any sums paid contrary to the provisions of this Charter.

47. Employees When Charter Adopted.

No employee of the City at the time this Charter is adopted shall be required to take an examination in order to continue within the employment of the City. All other provisions of the Merit System will apply to such employees.

Special Assessments

48. Council Resolution.

The City Council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by Resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost shall be paid by special assessments, and what part, if any, shall be a general obligation of the City, the number of installments in which special assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

49. Procedure Fixed by Ordinance.

The City Council shall prescribe by Ordinance complete special assessment procedures concerning plans and specifications, estimate of costs, notice and hearing, the making of a special assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

Miscellaneous Provisions

50. Oath of Office.

Every person elected or appointed to any City office, before entering upon the duties of the office, shall take and subscribe to an oath of office as provided by law which shall be filed and kept in the office of the City Clerk.

51. Notice of Election or Appointment.

Written notice of election or appointment of any City officer shall be mailed by the City Clerk within forty-eight (48) hours after the appointment is made or vote canvassed. If within ten (10) days from the date of the notice, such officer shall not take, subscribe to, and file with the City Clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall be deemed vacant, unless the City Council shall extend the time in which such officer may qualify.

52. Vacancy Defined.

In addition to other provisions of this Charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony, or is judicially declared to be mentally incompetent.

53. Official Interest in Contracts.

No elective or appointive officer or employee of the City shall take part in a decision concerning the business of the City in which the officer or employee has a financial interest aside from salary as such, direct or indirect, greater than any other citizen or taxpayer.

54. Private Use of Public Property.

No officer or employee shall devote any City property or labor to private use except as may be provided by law or Ordinance.

55. Use of Streets by Public Utilities.

Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall arise from its use thereof, and shall protect and save the City harmless from all damages arising from said use.

56. Liability for Discharge.

The removal in accordance with this Charter with or without cause of a person elected or appointed or otherwise chosen for a fixed term shall give no right of action for breach of contract.

57. Violations.

Any person who violates any provisions of this Charter, unless otherwise provided, or violates any City Ordinance for which no other punishment is provided, shall be guilty of a misdemeanor and, notwithstanding RSA 651:2, shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety (90) days, or both.

58. Public Records.

All records of the City shall be public in accordance with RSA 91-A, Right to Know Law.

Saving Clauses and Adoption of Charter

59. Saving Clause. So much of the previous Charter of the City and of laws passed in amendment or supplementary thereof, as is in force relative to the constitution and bounds of its wards, its school districts and sewer, lighting, and other special precincts and their government and affairs, to its waterworks, and to the borrowing of money in aid of its school district, is hereby continued in force, with the exception of such provisions as are inconsistent with this Charter; but all special legislation relative to the government of the City, not herein expressly saved, is hereby repealed. All general laws relative to the government of cities shall remain in force in the City so far as the same can be applied consistently with the intents and purposes of this Charter, but shall be deemed superseded as to this City so far as inconsistent herewith.

Existing Ordinances and other municipal regulations shall remain in force so far as the same can be applied consistently with the intents and purposes of this Charter, but are hereby annulled so far as inconsistent herewith. In all existing laws, Ordinances and regulations hereby saved, references to the City Councils, Board of Mayor and Aldermen, board of public works, or other bodies or officers hereby abolished and superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this Charter or by the Administrative Code.

60. Tenure of Office.

The incumbents of all municipal offices not hereby abolished or superseded when this Charter takes effect, and who are not elected by popular vote, shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful Ordinances.

61. Effective Date.

This Charter takes effect January 1, 1993.

City of Concord, New Hampshire

Presidential Primary Election

January 10, 2012

Adopted in accordance with the provisions of RSA 49-B.

Janice Bonenfant

City Clerk